IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

RCRev..No. 382 of 2006()

RCA.8/2005 of THE RENT CONTROL APPELLATE AUTHORITY, PALAKKAD
RCP.23/1987 of RENT CONTROL COURT, PALAKKAD
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REVISION PETITIONER/APPELLANT/1ST RESPONDENT:

SADANANDAN, S/O. RAMAKRISHNA RAO,
RESIDING AT MURALI NIVAS, KUNNATHURMEDU,PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.SREEKANTH.K.R
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL
SRI.T.C.SURESH MENON

RESPONDENTS: RESPONDENTS/PETITIONERS/2ND RESPONDENT:
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1. G. KRISHNA MOOTHAN,S/O.GANAPATHY MOOTHAN
RESIDING AT MOOTHANTHARA, KOPPAM AMSOM,
PALAKKAD TALUK.

2. K.S. BHARGAVI AMMA, W/O.KRISHNA MOOTHAN,
RESIDING AT MOOTHANTHARA, KOPPAM AMSOM,
PALAKKAD TALUK.

3. A. BALAKRISHNAN,
PROPRIETOR, ROSELAND HOTEL, BIG BAZAAR, PALAKKAD.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 13/11/2006, ALONG WITH RCR NO.295 OF 2006 & RCR NO. 283 OF 2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & K.P.BALACHANDRAN,JJ.

R.C.R.NOS.382,283 & 295 OF 2006

Dated this the 13th day of November, 2006

O R D E R

Balachandran,J.

Tenant is the petitioner. He challenges in these revisions the concurrent order of eviction passed against him by the authorities below under Section 11(4)(i), 11(4)(ii) and 11 (3) of Act 2 of 1965 (hereinafter referred to as 'the Act').

2. At the time of admission hearing, learned counsel for the petitioner submitted that these revisions need not be considered on merits and that it is enough that the tenant is granted reasonable time to surrender vacant possession of the schedule building to the respondent-landlord. Considering the entire circumstances of the case, we are of

the view that time of one year can be granted to the petitioner to surrender vacant possession of the schedule building.

3. In the result, we dismiss these revisions without going into the merits of the case, as desired by the counsel for the petitioner. At the same, we grant the petitioner time of one year to surrender vacant possession of the schedule building to the respondent-landlord. Petitioner shall continue to pay monthly rents to the respondent-landlord on the due dates itself till he actually surrenders vacant possession of the schedule building to the respondent-landlord. The petitioner shall not induct strangers into the premises and shall surrender vacant possession of the scheduled building positively on or before 13/11/2007.

3. The petitioner shall file an affidavit before the execution court undertaking to

surrender unconditionally vacant possession of the schedule building to the respondent-landlord on or before 13/11/2007, that he will not induct strangers into the schedule building and that he will continue to pay monthly rents on the due dates itself till he actually surrenders vacant possession of the schedule building. The affidavit shall be so filed before the execution court within one month from today. In case of failure to file affidavit as directed above, the petitioner shall not be entitled to the benefit of continuing in occupation for one year and shall be liable to be evicted immediately on the expiry of the said one month.

P.R.RAMAN,
Judge.

K.P.BALACHANDRAN,
Judge.

kcv.